

**Alexandria Township  
Land Use Board  
Meeting Minutes April 15, 2021**

**Chair Rochelle** called the regular meeting of the Alexandria Township Land Use Board to Order at 7:30 pm. This Virtual Meeting is called pursuant to the provisions of the Open Public Meetings Act. Both adequate and electronic notice of this virtual meeting has been provided by way of publication in the Hunterdon County Democrat newspaper on or about January 28, 2021. In addition, notice of the meeting was posted on the door of the Alexandria Township Municipal Office located at 242 Little-York Mt. Pleasant Road, Milford and any handicapped-accessible entrances thereto; posted on the municipal website; provided to the municipal Clerk and distributed to all persons, if any, requesting copies of same. This meeting is being recorded with both audio and video and may be rebroadcast. This meeting is a judicial proceeding, any questions or comments must be limited to the issues that are relevant to what the Board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.

**MEMBERS PRESENT:** Chair Rochelle, Papazian, Fritsche, Freedman (7:31pm), Canavan, Tucker, Committeeman Kiernan, Deputy Mayor Pfefferle, Giannone, Pauch, Kimsey, and Hahola

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Guy Wilson – LUB Substitute Attorney, LUB Attorney, Kara Kaczynski – LUB Attorney, David Banisch – LUB Planner, Tom Decker – LUB Engineer, Steve Potter – applicant, Peter Fleming – Applicant Attorney, Eric Rupnarian – Applicant Engineer, Guy De Sapio – Applicant's Attorney, Jeff Simons – Engineer, Jay Troutman – Traffic Engineer, Yuuji Crance-witness, Greg Crance-applicant.

**Minutes Approval**

A motion to approve the March 18, 2021 Regular Meeting Minutes of the Land Use Board was made by **Fritsch** and seconded by **Deputy Mayor Pfefferle**. **Ayes:** Chair Rochelle, Papazian, Fritsche, Canavan, Tucker, Committeeman Kiernan, Deputy Mayor Pfefferle, Giannone, Kimsey and Hahola. **Abstain:** Freedman, Pauch. **No Nays. Motion Carried.**

**New and Pending Matters**

- De Sapio Properties #6 Inc and Delaware River Tubing, LLC – Amended Site Plan – Public Hearing  
Block 17.01 Lots 12  
776 Milford-Frenchtown Road

De Sapio, Attorney expressed concern over the hearing being broken up into different meetings. **Chair Rochelle** advised due to the complexity of the application it needed to be done in this format. **Kaczynski** summarized where the application left off and to start from opening the hearing with questions from the public. **Chair Rochelle** asked if there were any questions from the public. There were no questions.

De Sapio called Jay Troutman – Traffic Engineer as next witness. He was qualified as an expert by the Board. Troutman was part of the original site plan requesting to enlarge the parking lot and testified the

request to enlarge the parking lot has been withdrawn. De Sapio asked Troutman to address the Board engineer's concerns reviewed in the March 15, 2021 engineer review letter.

7. The applicant submitted a traffic report from McDonough & Rea Associates, Inc dated March 6, 2020 in its initial application and a revised report dated October 5, 2020 addressing our June 29, 2020 review letter. The applicant's traffic engineer shall address the following:
  - a. The initial and revised traffic reports were prepared based on the plans proposing an additional 92 parking spaces. The traffic report should be updated to reflect the currently proposed site plan.
  - b. The October 5, 2020 traffic report provides a study of the existing traffic volumes as conducted during DRT operations on Saturday August 22, 2020. The report concludes that growth has occurred such that the peak operations require 208 parking spaces, 88 spaces more than the current layout provides. Applicant's traffic engineer should provide testimony regarding the shortfall of available parking as it currently conflicts with the report's conclusions.

Troutman advised that on Saturday, August 22, 2020, a peak business day, he conducted a traffic analysis. A report was done on October 5, 2020.

- e. A detailed study and investigation of existing traffic operations at the site was conducted on Saturday August 22, 2020. The following items were observed to be in compliance with proposed operations plans:
  - All tubing customers were directed to enter and exit the site at the most southerly driveway by use of a posted parking attendant wearing reflective gear and operating a flag to motion the traffic movements.
  - Parking areas closest to the building were reserved for use by the fitness and dog training tenants.
  - The bus entrance and exit movements were segregated from other vehicles and pedestrians by use of separate driveways and pedestrian protection measures.
  - Customers were routed from the parking area to the bus area through instructive signage.
- f. Based on the Saturday August 22, 2020 study of existing conditions at the site during a peak summer Saturday, growth has occurred such that peak operations will require the 208 parking spaces that are proposed on the current site plan.
- g. The data summary from the Saturday August 22, 2020 traffic study includes a count of existing bus trips generated during peak operations when over 200 vehicles are using the parking lot.
- h. The traffic count conducted at the site confirms that the additional parking proposed as part of the current site plan is required in order to accommodate peak operations at the site.
- i. Any additional traffic information requested by the Board or their professionals will be provided in compliance with the ordinance, as necessary.

Response to Item 7, June 29, 2020 Van Cleef Engineering Letter

- a. This report and our analysis are based on the most recently revised plans dated October 2, 2020.
- b. A more recent study of existing traffic volumes was completed at the site during peak season on Saturday August 22, 2020 during peak operations at the site. A summary of this traffic data is provided in Table 1 on page 3 of this report.
- c. Site generated traffic during peak occupancy of the on-site parking spaces is provided in Table 1 and summarized on page 3 of this report.
- d. Updated level of service calculations have been completed for peak conditions in summer 2020 and are attached for review. The results show that traffic exiting all site driveways, including the main Delaware River Tubing parking lot driveway, is operating at level of service "B". Analysis of the left turn movements entering the subject property at all driveways indicates that these movements operate at level of service "A".

**Table I**  
**Existing Saturday Traffic Volumes**  
**Route 619 at DeSapio Retail Center Driveways**  
**Saturday, August 22, 2020**

<u>Time Interval</u>	<u>Route 619</u>		<u>Site Traffic</u>		<u>Total</u>
	<u>Northbound</u>	<u>Southbound</u>	<u>Enter</u>	<u>Exit</u>	
11:00 - 11:15 AM	42	62	29	10	143
11:15 - 11:30 AM	74	58	20	8	160
11:30 - 11:45 AM	58	63	24	7	152
11:45 - 12 Noon	46	57	24	6	133
12:00 - 12:15 PM	47	56	22	8	133
12:15 - 12:30 PM	71	41	16	8	136
12:30 - 12:45 PM	57	43	19	10	129
12:45 - 1:00 PM	61	55	15	3	134
1:00 - 1:15 PM	53	41	19	5	118
1:15 - 1:30 PM	52	43	12	8	115
1:30 - 1:45 PM	47	50	10	3	110
1:45 - 2:00 PM	49	61	8	1	119
<u>Peak Hour:</u>	<u>Northbound</u>	<u>Southbound</u>	<u>Enter</u>	<u>Exit</u>	<u>Total</u>
11:00 AM - 12:00 Noon	220	240	97	31	588

The breakdown of site entering and exiting movements during the peak hour is as follows:

Entering Trips:

81 tubing customers at southerly driveway  
13 tubing busses at northerly entrance  
3 dog training customers at northerly driveway  
97 total peak hour site entering movements

Exiting Trips:

13 tubing customers at southerly driveway  
15 tubing busses at center bus exit driveway  
2 fitness customers at center exit driveway  
1 dog training customer at northerly driveway  
31 total peak hour site exiting movements

He advised the report concluded that the site has adequate access capacity to process all the turning movements that occur on an extremely busy Saturday. He personally conducted the assessment. He advised that **Decker** had two comments remaining after the report. The first comment 7a. points out the fact that the report is based upon the 92 additional parking spaces. Troutman advised it is being addressed by a change in the business model. The applicant plans to make changes such as a pricing model change, group sales, and limits on ticket sales when they know they will reach their limit. He advised this applies to comment 7b. as well. De Sapio asked Troutman, since the applicant has withdrawn the request for additional parking if the applicant would have to operate within the constraints of the operations of the site. Troutman said yes. De Sapio asked about the discussion with the Board planner from the original plan regarding changing the internal traffic flow and asked if Troutman was involved with the development of the present plan that is being used onsite with the original application. Troutman advised yes and that the Board experts went out to watch a bus maneuver to design the driveway system that is out there today. He advised that when he saw it on August 22, 2020, he was pleased to see it functioning safely. He continued it offers great segregation between the tubing operation and the other tenants on the site as well as pedestrian safety. It keeps pedestrians away from the buses until they are ready to load onto a bus. He testified that at no point do buses cross with pedestrians. He advised this is very safe and does not see any way to improve upon this in terms of traffic safety, pedestrian's safety, bus flow and parking lot activity.

De Sapio asked if the County and the then Township engineer's office had been involved in this analysis and plan which required the applicant to construct the new entranceway into the site. Troutman said yes and that there needed to be some grading and reconfiguration at the north end to get a connection so that the very northerly driveway could be used by a bus to make the entrance in one turn. De Sapio asked if there have been any internal or traffic problems with this traffic design. Troutman advised there has not. De Sapio asked if there was any place where a bus departure and location would be safer than the present use. Troutman said no and that this is the safest option.

**Decker** advised that it is accurate that the County and Board professionals did meet at the site for the current traffic movement in the front. He advised that at that time there was no outdoor storage proposed. **Decker** advised that at this time there is a variance application in the proximity of the tubes and barricades. He advised the flow plan has already been resolved without outdoor storage. He advised the issue now is that there are tubes, kayaks and such stored in the front. A variance is needed for that storage. **Decker** asked if there were any other areas or opportunities for outdoor storage. Troutman advised he did not review for that, but that the current operation is safe. He would be concerned that would disrupt the operation and safety. He understands the concern the Board has regarding aesthetics.

**Decker** asked Troutman if he recalled how the parking capacity was to be managed originally for 120 spaces. Troutman recalled that part of the old plans had a parking lot is full barricade, as part of the details to be implemented once the lot met capacity. **Decker** asked if the lot exceeded that capacity the day Troutman was there. He advised that it did. **Decker** asked if the approved signs were out during his inspection. He advised they were not. **Decker** recalled that the applicant at that time advised they would manage parking by increased costs. He advised this is being proposed now as it was then but has not controlled the parking per the site visit conducted by Troutman. **Decker** asked how the applicant guarantees that this does not happen in the future. **Decker** asked if fencing or barricading could be done in order to guarantee the parking overflow does not happen.

**Decker** asked about prior operations. **De Sapio** objected explaining it was not relevant. **Kaczynski** advised that it was relevant but noted his objection. **Decker** advised the reason he is asking is because he believes the company operated without the benefit of a mixed-use building before and without having their tubing storage outside and it worked. He continued that given the amount of space south of the building, is there any configuration that would allow proper vehicular movements and a place to store the tubes to be in more compliance. **Troutman** advised that there is not on this site. From a traffic safety standpoint, this is the best plan and advised that traffic and pedestrian safety would be compromised otherwise.

**Banisch** advised his report dated March 17, 2021 had four suggestions for possible locations of equipment and asked if **Troutman** had a chance to review these suggestions.

12. A variety of reasons have been offered by the applicant as to why the proposed outdoor storage is needed and should be approved, including (1) the need to dry out life jackets and equipment used by patrons between customer uses, (2) asserting that the appearance of the outdoor storage is appropriate to the river outfitting use and (3) referring to other nearby uses that utilize outdoor storage (i.e. lumber yard to the south).

- a. There are alternative locations on site that could accommodate the applicant's outdoor storage needs, reduce the degree of variance relief necessary by moving outdoor storage farther away from the public road, and eliminate or reduce the prominence of the unsightly outdoor storage that is proposed/established by the applicant. These alternatives include
  - i. The area to the rear of the parking field on the north side of the building (which could include relocation of the two tenant parking space behind the building),
  - ii. The grass/landscaped area adjacent to the north property line and driveway where landscaping can better screen the outdoor storage,
  - iii. Along the southerly side of the proposed tracking pad on the south side of the 120 parking space customer parking lot, which may also be screened using landscaping, and
  - iv. Adjacent to the proposed changing buses, portable showers and porta-potties in the rear of the building.
- b. A display of a limited number of tubes, rafts and kayaks in front of the building could be an equally or more effective means of displaying equipment to identify and advertise the river outfitting use than the amount of outdoor storage proposed in the corral in front of the building. Such limited displays could be brought inside the building during closed operations.
- c. There are alternative locations on site for outdoor storage that are more conforming than the front of the building that is proposed by the applicant.

**Troutman** advised that he believes these suggestions would affect the operations. He feels the equipment needs to be in the front of the building. **Banisch** advised that ii. would require patrons or staff to walk to the side yard, instead of having the storage in the front of the building, to retrieve the tubes and lifejackets. In his belief, this would not be a major inconvenience and this location is a more conforming location. **Troutman** advised that is a fair comment. **Banisch** advised comment iii. addresses concerns that are shared by Board members. How does the applicant prevent the usage of the field that is being abandoned, and which is to be restored, without some kind of a barrier? He advised although it would be more of a distance for patrons or staff, it is an alternative and more conforming location which

could conceivably be out of the front yard. He asked for commentary on items iii and iv. Troutman advised with regards to ii., iii., and iv. felt that if the equipment was on the northern property line, it would be crossing a reserved parking area for the other tenants, which is not conducive from a traffic standpoint. He felt the south side is more mixing of equipment transport with parking lot activity. Troutman advised if it were by the proposed changing buses, there may not be a path given the grades of the property. He felt the applicant should comment on these things since they run the daily operations. **Banisch** advised he would like to make the point that the Board does not have any obligation to approve a design in violation of certain zoning standards because it is more convenient. **Banisch** advised that he feels the location on the north side of the building is potentially workable with some reorganization of proposed parking. He continued another important point he would like to make pertaining to operations is that there be a condition of approval that provides the board with some level of assurance that the amount of parking on site is not exceeded, which has been the history under the prior approvals.

De Sapio advised he had some redirect for Mr. Troutman. De Sapio asked Troutman if he said one of the objectives of the present application is not to reduce parking on the site. Troutman said yes. De Sapio asked about storing tubes on the north side of the building which to him sounded like it would be using two of the parking spaces. Troutman felt that if it were suggested they be in parking spaces then yes. To him it looked like it was in the grassy area. De Sapio asked if that grass area is directly to the west of the entranceway to the site. Troutman advised yes. De Sapio asked if the present traffic flow is designed so that there can be stacking of the buses when necessary. Troutman said yes. De Sapio continued if buses had to stop as soon as they turned into the site, would that interfere with the ability to stack buses. Troutman advised yes. De Sapio asked based upon Troutman's observation of the business, would that make the operation more inefficient from a traffic point of view. Troutman advised yes that the bus needs to maneuver in one movement and sweep through there completing a 180 and coming to rest in front of the building. De Sapio asked about the third suggestion to move the equipment outdoors back near the bus changing area which is on the southwest of the building. He asked if there were any present design which would accommodate the movement of all those buses through the parking lot to get back to the bus changing area. Troutman advised no. De Sapio asked in order to develop a lane to get back there would that result in the elimination of parking spaces. Troutman said yes and that it looks like it would mix the buses in with the customer parking. De Sapio asked if that is a safety concern. Troutman said yes and that it is a safety concern because the original goal was to separate the pedestrians and the bus flow. De Sapio asked if there was also a concern about segregating the tubing operation from other tenants of the building. Troutman said yes. De Sapio asked if as a result the planning board required additional traffic barriers, separating dedicated parking spaces for different tenants. Troutman said yes. As an example, Troutman advised that south of the building there was required to be separate parking area for the gym that is in that part of the building. De Sapio asked if the Board required Jersey barriers in that area. Troutman advised yes. De Sapio continued to force those buses to the south west of the building to get to the proposed storage area that Mr. Banisch suggested, he asked if that would require a major reconfiguration of the traffic flow through that parking lot to the south of the building. Troutman said yes, and he doesn't see a configuration that would work to bring the buses back there.

De Sapio asked with regards to the aesthetic impact discussed by the Board professionals, if the Board were to grant a variance to permit the storage of the tubes and life jackets in the front of the building, is the applicant proposing to store these items to the west of the jersey barriers in the front. Troutman said yes and that these materials would still be separated from the traffic flow. De Sapio asked if this creates any kind of a safety issue from a traffic point of view. Troutman advised that this does not

create a safety issue. Troutman advised from a traffic point of view it is best to have all the items that are going to be put on the bus meet in that spot in the front. He continued it keeps the buses from invading any part of the site where pedestrians are and allows the loading and unloading operation to occur in the shortest amount of time. De Sapio asked if Troutman has designed parking internal circulation for other kinds of businesses. Troutman said yes and that he is aware other businesses will place a sign or barrier if the parking lot is full in an event type setting. **Kaczynski** asked Troutman if a customer were to see a parking lot is full sign what would happen for them to turn around in another direction. Troutman advised he saw that happen with people coming to the southerly entrance and not recognizing it was there. He advised they drove up to the northerly entrance where the dog training facility is, and those cars went into the parking lot on the north side of the building and turned around and came out that way.

**Chair Rochelle** opened up questions to the Board. **Fritsche** asked in the planners traffic expert's opinion, if the most efficient way to handle the traffic is the way that it is handled now. He understands that there have not been any reports of an accident or incidences. Troutman said yes. **Freedman** advised that during a very busy day, she witnessed multiple buses waiting to turn in which had stopped traffic. She felt that because there were buses already in the front of the building that the buses waiting to turn in, was exacerbating the traffic on the roadway. Troutman advised that was contrary to what he had seen and that the bus intake has plenty of capacity to pull in five buses. It may have been unusual timing at that moment. **Kiernan** advised the parking lot to the north of the building indicates twelve designated employee spaces and asked with what frequency those are all used. Troutman advised that on the day he was there it was fairly empty. He believes it to be a reserved parking area so as not to be taken up by Delaware River Tubing. Those spots are not taken into account for the 120 spots. **Kiernan** also commented that no one has addressed preventing customers from parking in the unapproved overflow parking area of the site. Troutman advised that he was not charged with that task. **Pfefferle** commented about the facilities being referred to as temporary and felt there are seasonal businesses that have more permanent facilities. **Giannone** advised 5 parking spaces need to be eliminated for use of emergency services in the northwesterly corner of the parking lot. He advised those spaces are at the northwesterly corner opposite the parking lot for the gym. De Sapio asked for the exact location of those spaces. **Giannone** advised on the site plan if you look at the area with the jersey barriers for the gym in the upper left-hand corner, outside the jersey barriers, he would like an aisle all the way back to the access road in the back. He advised there needs to be two accesses in case one is blocked. De Sapio asked about another location, but **Giannone** felt the emergency vehicles would need to make too many maneuvers. De Sapio advised he would like his traffic engineer to speak with **Giannone** at another time to discuss the details. He agreed.

**Chair Rochelle** asked for any questions from the public. There were none. This application is continued to May 20<sup>th</sup> at 7:30pm with no further notice necessary.

- Potter – Minor Subdivision – Public Hearing  
Block 4 Lots 9.01 & 10  
410 Goritz Rd & Goritz Rd

**Kaczynski** recused herself and left the meeting due to a conflict of interest. Canavan recused himself as well at 8:34pm. Attorney Wilson took over as the Board attorney. Mr. Potter, applicant and Mr. Rupnarian, applicants' engineer, were present on behalf of the applicant. Rupnarian reviewed where the Board had left off at the last meeting with the application. The applicant had agreed to adjust the

lot line to increase the acreage along the easterly property and adjust the rear lot line of 9.01 so that the acreage remains the same and does not further decrease the non-conformity. The revised plan was brought up for the Board and marked as Exhibit A-2. Rupnarian advised the hatched area which is approximately 1.2 acres is the portion of lot 10 that will be added onto lot 9.01. The lot will remain at 8.14 acres.

**Decker** advised these changes would eliminate the need for a lot area variance. The lot will still remain under the required lot area of 10 areas. The other variances are still required.

4. Lot 9.01 has an existing non-conformance with the zoning regulations for minimum side yard setback (69.5 feet, where 100 feet is required). The existing side yard setback non-conformance will remain unchanged if the proposed lot line adjustment is approved.
6. Lot 9.01 currently complies with the zoning regulations for minimum lot width at setback (286.4 feet where 250 feet is required). The proposed lot line adjustment will bring Lot 9.01 out of compliance with the minimum lot width at setback requirement (228.05 feet is proposed). A variance is required.

**Banisch** asked why the lot was not brought into compliance with regards to minimum lot acreage. Rupnanrain advised the applicant did not want to encroach into the farm lanes which is shown on the plan to the south of the hatched area. Either an easement through the lot would have needed to be included or a new lot lane would have needed to be done. **Banisch** advised the lot could have been dog legged and it would have made the lot conforming. The applicant advised they would be willing to bring the lot to 10 acres as suggested by the planner.

**Wilson** asked if the property was currently under the woodlands management plan. Rupnarian advised it is not because he does not currently have access to the property and that is a requirement to qualify under the woodlands management plan. He advised that it would promote an agricultural purpose for the zone which lot 10 currently does not have.

**Fritsche** advised that he feels that the pre existing non conformity was created by a zoning change. He feels that someone should be able to request a variance in this instance. **Pauch** advised that he also agrees that the non conformity was created by the zoning change and that the property owner should not have to bring the lot into conformance.

**Banisch** advised that he understands the concerns. He continued that the applicant needs to prove his case under the MLUL. He advised that if the Board decided not having a dog leg wrap around lot 9.02 is a better planning solution for the township then it would be up to the Board.

**Chair Rochelle** asked if the existing side yard setback nonconformity would require a variance if someone wanted to complete an addition. **Banisch** advised if a variance was granted for the existing side yard setback then probably not because the Board will have made that legal.

There were no questions from the public.

**Tucker** advised given the view from the Board members and the comments from the planner, she asked to go through the Board again for comments regarding the better configuration for the Township.



Whether it be the 10 acres dog legged around or whether to leave it as it is on the updated plan. She advised it looks better to leave the lot straight and not create the dog leg. After some discussion the Board felt it would be better to leave the lot as drawn on the revised site plan and not create a dog lot around lot 9.02.

**Banisch** advised the motion would be to grant a variance for the proposed minor subdivision granting variances for minimum lot width at setback, lot circle, nonconforming side yard setback of 69.5' and for minimum lot area subject to the conditions in the engineer and planners' report. A motion was made by **Giannone** and seconded by **Fritsche**. **Ayes: Chair Rochelle, Papazian, Fritsche, Freedman, Tucker, Committeeman Kiernan, Deputy Mayor Pfefferle, Giannone and Pauch. No Nays. Motion Carried.**

#### Correspondence

None

#### Approval of Bills

A motion was made to approve the bills for the professionals of the Land Use Board by **Papazian** and seconded by **Deputy Mayor Pfefferle**. **Vote: Ayes: Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Committeeman Kiernan, Deputy Mayor Pfefferle, Giannone, Pauch, Kimsey and Hahola. No Nays. Motion Carried.**

#### Comments from the Board/Public

There were no comments from the Board or from the public.

#### Motion to Adjourn

A motion to adjourn was made by **Tucker** and seconded by **Rochelle** at 9:12pm. **Vote: Ayes: Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Committeeman Kiernan, Deputy Mayor Pfefferle, Giannone, Pauch, Kimsey and Hahola. No Nays. Motion Carried.**

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**Leigh Gronau, Board Secretary**